

REMARKS

In the present Office Action, claims 1-31 were examined. Claims 1-31 are currently pending but have been rejected by the Examiner. The Applicant gratefully acknowledges the Examiner's allowance of the drawings filed April 17, 2002.

By this Amendment, claims 1, 4, 13, 20, 25 and 27 have been amended according to the Examiner's suggestions and claim 26 has been cancelled. No new matter has been added. Accordingly, claims 1-25 and 27-31 are presented for further examination. By this Amendment, all claims are believed to be in condition for allowance.

Responsive to Obviousness – Type Double Patenting Rejection

Enclosed herewith is a Terminal Disclaimer over claims of U.S. Patent 6, 716, 913. This submission is believed to overcome the obviousness-type double patenting rejection of the instant claims.

Responsive to 35 USC 112 Objections

Correction to claims 20, 25, and 27 are made in accordance with suggestions at the bottom of page two and the top of page three of the outstanding office action. The Examiner is respectfully thanked for making these suggestions. The 35 USC 112 Objection to claims 20, 25, and 27 are believed to have been overcome by virtue of these amendments.

Responsive to 35 USC 112 Rejections

Responsive to the 35 USC 112, first paragraph, rejection of the instant claims, the independent claims have been amended to focus upon the specific polyols, acid anhydrides, polyisocyanates, and amines identified in the claims as originally filed. Further, claim 1 has been amended to provide antecedent basis for the triol and acid catalyst as supported by original claim 3. In view of these amendments, the 35 USC 112 rejection is believed to have been overcome.

Responsive to 35 USC 103 Rejection

The claims stand rejected under 35 USC 103 as allegedly obvious over the Housel et al patent. This rejection is believed to be untenable. Housel neither discloses nor suggests the use of an organic or inorganic acid catalyst, but rather the use of an organometallic catalyst, such as organotin.

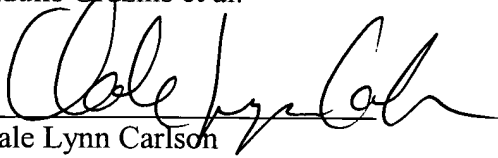
The outstanding Office Action states in the sentence bridging pages 6 and 7 thereof, that “the reaction product of the polyol and the acid anhydride may be formed regardless of the addition of the catalyst”. However, the quoted statement does not appear to reflect the full teachings of Housel. More specifically, Housel refers at page 8, lines 3 to 9 to the problems associated with catalysts in the statement “If the reaction, through the use of certain catalysts or a temperature which is too low, occurs too slowly, conversion to an acid functional polyol will take too long. However, if as a result of the use of particular catalysts or a temperature which is too high, the reaction proceeds too quickly, unwanted side reactions, as discussed above, could occur.” Housel raises these potential problems, but neither discloses nor suggests any solution.

The presently claimed invention provides a solution to the “unwanted side reactions” problem. Please refer to Table 1 at page 18 of the instant specification. When no phosphoric acid catalyst was used (see Experiment 1), the resulting product was 1.9 times more viscous and contained 16 times more oligoester groups than the product obtained using a reaction in the presence of phosphoric acid catalyst (see Experiment 2). Housel does not suggest or disclose any catalyst system for achieving this result by any means, much less using an organic or inorganic acid catalyst within the instantly claimed range. Accordingly, the outstanding rejection of the claims under 35 USC 103 is untenable and should be withdrawn.

If the Examiner has any questions or believes that a discussion with Applicant’s attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

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Respectfully submitted,
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